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Serial No. 10/699,653
October 6, 2005
Reply to Office Action of 07/06/2005

REMARKS/ARGUMENTS

The specification has been amended for matters of form.

Claims 1 and 4-8 now stand in the application. Allowable claim 6 -- which is directed to the provision of the sealing gasket 30 in the sealing channel 28 -- has been rewritten to stand in independent form, and allowable claim 7 remains dependent upon allowable claim 6.

Claim 1 has been amended to include the subject matter of cancelled claims 2 and 3, and also to recite per se the continuous channel 28 of allowable claim 6 (i.e., without the sealing gasket 30). As stated in the specification (page 5, lines 4 - 7), it is optional to provide the sealing gasket 30 of allowable claim 6 in the sealing channel 28. When the sealing gasket is omitted, this sealing channel 28 provides a desired degree of improved flexibility throughout the length of the insole, and reduces the total weight as well as the cost of the shoe.

Applicant courteously contends that the invention recited in the amended claims is clearly distinguishable from the teachings of the cited prior art.

In the Lee published application No. US 2003/0121177, the insole member does not have a lower surface containing transverse flex grooves beneath the ball portion of the user's foot, a longitudinal shank slot containing a support member beneath the arch portion of the user's foot, and a continuous surrounding channel arranged concentrically around the flex grooves and shank slot adjacent the periphery of the insole member, thereby to provide additional flexibility to the insole member. In the Skaja patent No. 6,098,313, the flex grooves 12 extend transversely completely across the shoe component, and do not terminate at each end in spaced relation to the adjacent peripheral edge of the component. No continuous channel extends in concentrically spaced relation around the flex grooves adjacent the periphery of the component in accordance with applicants continuous channel 28.

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The Gilkerson patent No. 3,601,908 discloses a molded insole in which a longitudinal recess 16 is provided for receiving a steel shank or the like. (Column 2, lines 3-8). No flex grooves are provided in the ball portion of the insole, and no surrounding channel is provided adjacent and spaced from the entire periphery of the insole. In Huff No. 5,911,491, no grooves or peripheral channels are provided for improving the flexibility of an insole member.

Since Applicant's invention as recited in the amended claims is clearly structurally and functionally distinguishable from the teachings of the cited art, and since claims 6 and 7 have been indicated to be directed to allowable subject matter, it is courteously believed that the application is now in condition for allowance.

Favorable action is courteously solicited.

Respectfully submitted,

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